

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 24, 2003

Regulation Packages #0202-04 and 1202-29

CDSS MANUAL LETTER NO. EAS-03-02

TO: HOLDERS OF THE EAS MANUAL, DIVISIONS 44 and 49

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm.

Regulation Package #0202-04**Effective 2/13/03****Sections 44-302, and 44-304**

The attached regulations reflect minor revisions to the emergency regulations which implemented and made specific Assembly Bill (AB) 1542 (Chapter 270, Statutes of 1997). AB 1542 established the authority for a statewide EBT system to issue food stamp benefits and, at county option, the issuance of cash benefits. An on-line EBT system is an issuance system in which benefits are stored in a central computer database and electronically accessed by cardholders at a point-of-sale (POS) terminal, automated teller machine (ATM), and other electronic fund transfer device utilizing a reusable plastic card. EBT is an extension of debit card access to benefit funds from POS terminals (or ATMs) via electronic fund transfer networks.

These regulations were adopted on an emergency basis effective May 1, 2002 and were considered at the Department's public hearings held on June 19 and 21, 2002.

Regulation Package #1202-29**Effective 1/23/03****Section 49-020**

The Cash Assistance Program for Immigrants (CAPI) is a state-mandated, state-funded program that must pay a cash benefit to aged, blind, and disabled non-citizens who successfully complete the application process. The implementing law (Welfare and Institutions Code Section 18937) requires the CAPI program be administered by counties or a consortium of counties and supervised by the California Department of Social Services (CSDD). The CAPI program is for non-citizens who are no longer eligible for the Supplemental Security Income/State Supplementary Payment program solely due to their immigrant status.

These regulations were adopted on an emergency basis effective January 23, 2003 and were considered at the Department's public hearing held on April 16, 2003.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-03-01.

	<u>Page(s)</u>	<u>Replace(s)</u>
	463	Page 463
	465 and 466	Pages 465 and 466
	660.14 and 660.15	Pages 660.14 and 660.15
Attachments		
SP		

CHAPTER 44-300 AID PAYMENTS

44-301 MONEY PAYMENT PRINCIPLE 44-301

Each individual or family has the right to manage his/her own affairs; to decide what use of his/her money, including the aid payment, will best serve his/her interests; and to make his/her purchases through the normal channels of exchange, to enjoy the same rights and to discharge his/her responsibilities in the same manner as other members of the community.

Aid payments shall be made in conformity with the money payment principle except when a problem in money management exists (see Section 44-307); when authorized sanctions are applied when a person fails without good cause to cooperate in the WIN Demo or GAIN Programs (see Section 42-691 or 42-786); when protective payments are made in noncooperation child support cases (see Sections 43-106 and 43-107.1); when money management is required under GAIN (see Section 42-785); or when directed by the Services System to make payments to a protective payee or to a vendor or vendors (see Section 44-307).

Aid payments are for the benefit of the recipient only and do not constitute income to any other person.

44-302 PAYMENT BY ELECTRONIC FUND TRANSFER 44-302

.1 Payment by Direct Deposit

Notwithstanding Section 25-301, direct deposit of assistance payments must be made available to CalWORKs recipients in all counties that offer a program of direct payroll deposit to some or all of their employees.

- .11 The CWD shall notify recipients of the option to receive benefits by direct deposit at the time of application or redetermination.
- .12 The recipient can request at anytime to receive direct deposit.
- .13 The recipient shall be eligible for direct deposit for the duration they are on aid.

.2 Payment by Electronic Benefit Transfer (EBT)

Pursuant to Section 16-001.23, counties may elect to use the EBT system to issue cash benefits.

NOTE: Authority cited: Sections 10553, 10554, and 11006.2, Welfare and Institutions Code. Reference: Sections 10072 and 11006.2, Welfare and Institutions Code.

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49-020	IMMIGRATION STATUS (Continued)	49-020
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"(i) Police, government agency, or court records or files.

"(ii) Documentation from a domestic violence program, legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse.

"(iii) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim.

"(iv) Physical evidence of abuse.

HANDBOOK ENDS HERE

- (c) If the victim cannot provide additional evidence of abuse, then a confidential sworn statement shall be sufficient if the county makes a determination documented in the case file that the applicant is credible.
- .4 For purposes of determining eligibility for CAPI under the provisions of Welfare and Institutions Code Sections 18938 and 18940, "entered the United States" or "entry date" means the effective date of the non-citizen's current immigration status as determined by the Immigration and Naturalization Service, except in either of the following situations:
- .41 The non-citizen is a current CAPI recipient whose immigration status was adjusted after he or she began receiving CAPI benefits. In the situation, the same entry date that was used to determine his or her initial CAPI eligibility will continue to be used for redetermination of eligibility.
- .42 The non-citizen, as of August 21, 1996, had an immigration status that met the definition of "Qualified Alien" [as defined in MPP Section 49-002(q)(1)], and has maintained continuous residence in the United States since at least August 21, 1996. In this situation the effective date of the Qualified Alien status held by the non-citizen on August 21, 1996 will be deemed to be his or her "entry date" for purposes of determining CAPI eligibility even if the non-citizen later adjusts his or her immigration status.

NOTE: Authority cited: Sections 10553, 10554, and 18943, Welfare and Institutions Code. Reference: 20 CFR 416.1600; P.L. 104-193 as amended, Sections 401 and 402 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and Sections 18938, 18940, and 18944, Welfare and Institutions Code.

49-025	AGE AND DISABILITY	49-025
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- .1 To be eligible for CAPI as an aged individual, a person must be 65 years of age or older.
 - .11 An applicant must submit evidence of his or her date of birth in accordance with federal regulations.
 - .111 An applicant whose age is a condition of eligibility must submit a public record of birth, or a religious record of birth or baptism recorded before age 5, if available. If such records are not available, other evidence may be submitted to establish the applicant's date of birth. If the applicant alleges to be at least age 68, any document submitted that is at least 3 years old will be sufficient.
- .2 To be eligible for CAPI as a blind individual, a person must meet the requirements specified in 20 CFR 416.981 et seq. for the SSI/SSP program.

HANDBOOK BEGINS HERE

- .21 A person who is determined to be statutorily blind is considered blind for purposes of SSI/SSP eligibility as stated in 20 CFR 416.981:

"Statutory blindness is central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which has a limitation in the field of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees is considered to have a central visual acuity of 20/200 or less."

HANDBOOK ENDS HERE

- .22 The Department's Disability and Adult Programs Division is responsible for making all blindness and disability determinations for CAPI.
 - .221 A current determination of blindness established for Title II Social Security, SSI/SSP, or Medi-Cal can be used to establish blindness for CAPI. A current determination is one that has not lapsed due to benefit termination.

HANDBOOK BEGINS HERE

- .222 Medical History and related forms must be completed and transmitted to the State Programs Branch of the Disability and Adult Programs Division along with any other medical documentation. The required forms are the MC 220, MC 221, and MC 223 and must be annotated with the identifier "CAPI CASE".

HANDBOOK ENDS HERE

44-304	AID PAYMENT SCHEDULES (Continued)	44-304
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- .4 Recipient Option
- Counties opting for a monthly payment system shall be permitted to offer recipients the option of receiving semimonthly payments on a case-by-case basis. The total number of recipients receiving semimonthly payments shall not exceed 50% of the county's caseload.
- .5 Standard Delivery Dates
- .51 Semimonthly Delivery
- The county shall deliver ongoing payments as follows when the county has selected semimonthly delivery:
- .511 First Warrant
- The county shall place the first warrant in the mail or forward the first direct deposit electronic fund transfer in time to be available to the recipient by the first day of the payment month unless the county received the completed CW 7 after the tenth day prior to the end of the report month.
- If the completed CW 7 is received after the tenth day prior to the end of the report month, but on or before the first day of the payment month, the county shall not delay the payment and shall place the warrant in the mail or forward the first direct deposit electronic fund transfer in time to be available to the recipient by the first calendar day of the payment month if possible, but not later than the tenth calendar day of the payment month.
- .512 Second Warrant
- The county shall place the second warrant in the mail or forward the direct deposit electronic fund transfer in time to be available to the recipient by the 15th calendar day of the payment month.
- .52 Monthly Delivery
- The county shall place the warrant in the mail or forward the direct deposit electronic fund transfer in time to be available to the recipient by the first calendar day of the payment month unless the completed CW 7 is received after the tenth day prior to the end of the report month.

44-304	AID PAYMENT SCHEDULES (Continued)	44-304
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If the completed CW 7 is received after the tenth day prior to the end of the report month, but on or before the first day of the payment month, the county shall not delay the payment and shall place the warrant in the mail or forward the direct deposit electronic fund transfer in time to be received by the first day of the payment month if possible, but not later than the tenth day of the payment month.

.53 Notwithstanding Section 44-304.52, counties opting to use the EBT system shall issue cash benefits pursuant to Section 16-215.

.6 Exceptions to Standard Delivery Date The county shall deliver:

.61 Holiday/Weekends On the last postal delivery day preceding a holiday or weekend when the holiday or weekend will delay delivery past the specified date of delivery.

| .611 With respect to ~~direct deposit~~ electronic fund transfer, when a payment date falls on a weekend or holiday, funds shall be electronically transferred so that the funds are available on the first day of that month to recipients using direct deposit and available on the designated payment date to recipients using EBT pursuant to Section 16-215.5.
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HANDBOOK BEGINS HERE

(a) Example: If the payment date is on a Monday and Monday is a holiday, the ~~direct deposit~~ electronic fund transfer must be made in time to ensure that the funds are available on the first of the month for recipients using direct deposit and available by the designated payment date for recipients using EBT.

HANDBOOK ENDS HERE
